

REMARKS/ARGUMENTS

In the specification, paragraph [0017] has been amended to remove mention of a reference sign, thereby bringing the drawings into compliance with 37 CFR 1.84(p)5, as detailed below.

Claims 1-7 are hereby cancelled. Claims 8-10 are added. Claims 8 and 10 are independent claims. Claims 8-10 are now in the application.

Allowable Subject Matter.

Paragraph 6 of the Office Action rejected Claims 6 and 7 as being dependent upon a rejected base claim, but stated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

New claim 8 is original claim 6 rewritten in independent form including all of the limitations of original claims 1-5. Applicants therefore request that new claim 8 now be allowed.

New claim 9 is original claim 7, amended to depend from new claim 8. As claim 8 is now an allowable claim, applicants request that new claim 9 now be allowed.

Objections to the Drawings.

The Office Action objected to the drawings under 37 CFR 1.84(p)5 because they did not include a reference sign, "clip 30", mentioned on page 4, line 11 of the specification. The specification has been amended, deleting all reference to "clip 30". Applicants asserts that by this amendment to the specification, the drawings now conform to 37 CFR 1.84(p)5 and request that this objection now be withdrawn, and the application now be allowed to issue.

Claim rejections.

The Office Action rejected claims 1-3 as allegedly anticipated by or obvious in view of U.S. Patent 3,991,627 (Laird et al.). The Office Action further rejected claims 1-5 as allegedly anticipated by or obvious in view of U.S. Patent 5,604,320 (Boyd).

The Office Action objected to claims 6 and 7, inasmuch as these claims depend on rejected claims, but otherwise indicated that independent claims including the elements of these claims would be allowable over the cited documents.

Claims 1-7 are hereby cancelled rendering the Section 102 and Section 103 rejections of the Office Action moot.

New Claim 10

New claim 10 is directed to additional aspects of Applicants' invention. The new claim is supported by the originally filed specification and figures (see, for example, Figs. 4A-4C, Fig. 2, paragraph 0007, paragraph 0016 and paragraph 0017 (the paragraph numbers used herein refer to the disclosure of U.S. Patent Application Publication Number 2002/0033057, which corresponds to the subject application). Accordingly, Applicants submit that the new claim 10 adds no new matter.

Applicants' invention as claimed in new Claim 10 comprises an apparatus for guiding a sample container to a sampling device that includes a movable guidance means capable of securely accepting the top end of the sample container, and then allowing the sample container mouth to be slidably moved and guided towards the sample needle until the needle pierces a septum on the sample container mouth. Applicant asserts that this differs from the cited prior art. For instance the Laird '627 patent instead describes a device that holds a sample container in a stationary position while bringing the sampling device toward the sample container, while the Boyd '320 patent is directed to a device that supports a sample container along the body of the container by way of a ring insert, rather than a guide means that engages the top end of the sample container.

Applicants respectfully submit that in view of these significant differences, neither the Laird '627 patent, nor the Boyd '320 patent can be said to teach or suggest the subject matter of Applicants' present claims. Applicants therefore request that new Claim 10 be allowed.

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Summary

Therefore in view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration of the application, withdrawal of all rejections and objections and that claims 8-10 be allowed at an early date.

Respectfully submitted,

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